

1  
2  
3  
4  
5  
6  
7  
8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA

11           MICHAEL BURNHART,

12           Plaintiff,

13           v.

14           ROBERT MASKO *et al.*,

15           Defendants.

16           Case No. C07-5045 FDB

17           ORDER DECLINING TO ADOPT  
18           REPORT AND RECOMMENDATION  
19           AND GRANTING EXTENSION OF  
20           TIME TO AMEND COMPLAINT

21           The Magistrate Judge recommends this civil rights action be dismissed with prejudice for  
22 failure of Plaintiff to comply with the Court's order to file an amended complaint. The Plaintiff has  
23 filed a response requesting the Court grant Plaintiff an extension of time to file the amended  
24 complaint. Accordingly, it is ORDERED:

25           (1)     The Court declines to adopt Report and Recommendation  
26           ORDER - 1

- 1 (2) Plaintiff must file an amended complaint no later than July 6, 2007.  
2 (3) The action is referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and  
3 Local Rules MJR 3 and 4 for further consideration.  
4 (2) The Clerk is directed to send copies of this Order to Plaintiff, Magistrate Judge, J.  
5 Kelly Arnold, and any other party that has appeared in this action.

6 DATED this 7<sup>th</sup> day of May, 2007.

7  
8  
9  
10



11 FRANKLIN D. BURGESS  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25